

EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:22-CV-15-FL**

ROBERT TERRACINO and
BRADIE TERRACINO,

Plaintiffs,

v.

TRIMACO, INC.,

Defendant.

**PLAINTIFF’S PRELIMINARY CLAIM TERM
CONSTRUCTION**

Defendant Trimaco, Inc. (“Defendant”), by and through the undersigned counsel, submits the following proposed terms for claim construction.

Claim(s)	Claim Term	Plaintiffs’ Proposed Construction	Defendant’s Proposed Construction
1, 6	a non-skid protective cloth or pad, consisting of	A protective cloth or pad which does not slip or slide relative to a surface upon which it is placed, having at least a first protective layer and at least a second non-skid layer	
1, 6	adjacent	Lying near or close to, but not necessarily touching. Black’s Law Dictionary (11th ed. 2019).	
1, 6	said downward projecting bumps comprising bumps having at least two different circumferential sizes	downward projecting bumps where each of the bumps has one of two or more different circumferences	

1, 6	said height of bumps having the smaller of said at least two different circumferential sizes being greater than said height of said larger of said at least two circumferential sizes	a first bump of a smaller circumference relative to a second bump of greater circumference has a height that is greater than the height of the second bump	
1	whereby when said lower major surface of said single resilient layer is placed on a support surface, a Sliding Coefficient of friction measure in accordance with TAPPI T548 specification is greater than approximately 0.75	when tested in accordance with TAPPI T548, the claimed non-skid protective cloth or pad has a sliding coefficient of greater than approximately 0.75. T 548 pm-90.	
4, 9	amorphous	Irregularly shaped. Oxford English Dictionary, 11th ed. (online).	
6	whereby when tested in accordance with TAPPI T548 specification, an average slide angle is no less than approximately 40°	when tested in accordance with TAPPI T548, the claimed non-skid protective cloth or pad has an average slide angle of no less than approximately 40 degrees. T 548 pm-90	

Dated: September 28, 2023

/s/ Duncan G. Byers
Duncan G. Byers
BYERS LAW
1769 Jamestown Road, Suite 120
Williamsburg, Va. 23185
Tel. 757.317.2779
Fax 757.231.3797
dbyers@dbyerslaw.com
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2023, a true and correct copy of the foregoing was served electronically upon the following counsel of record for Plaintiffs:

John M. Moye (NC State Bar No. 35463)
BARNES & THORNBURG LLP
4208 Six Forks Road, Suite 1010 Raleigh, North
Carolina 27609 Tel. (919) 536-6200
Fax (919) 536-6201
jmoye@btlaw.com

Deborah Pollack-Milgate*
Joseph L. Fehribach*
BARNES & THORNBURG LLP
11 S. Meridian Street Indianapolis, IN 46204
Tel. (317) 231-1313
Fax (317) 231-7433
deborah.pollackmilgate@btlaw.com
joseph.fehribach@btlaw.com
**by special appearance*
Counsel for Defendant Trimaco, Inc.

/s/ Duncan G. Byers

Duncan G. Byers
BYERS LAW
1769 Jamestown Road, Suite 120
Williamsburg, Va. 23185
Tel. 757.317.2779
Fax 757.231.3797
dbyers@dbyerslaw.com
Counsel for Plaintiffs